

Our Docket No. 8006P28

Page 2 of 4

- Group I, comprising claims 1 – 6, drawn to a process to manufacture an implantable cable; and
- Group II, comprising claims 7 – 14, drawn to an implantable cable.

The Examiner further stated that the inventions were distinct because the product claimed in Group I may be made by another and materially different process. In particular, the Examiner stated that the product as claimed may be made by another and materially different process such as using blade cutting instead of laser cutting.

The Applicant respectfully disagrees. Claims 1 – 4 and 6 do not specify the type of cutting involved.

Laser cutting is used at two points in the process: first, to establish grooves into which the conductor wires are placed, and second, to strip the cable tip to expose the conductor wires for connection to another device. The Applicant submits that the claims as framed allow substitution of any appropriate cutting method at either point in the process. A different cutting method does not therefore constitute a material change to the process.

In particular, claim 1 recites a step of “establishing a plurality of grooves on a first fluoropolymer film layer”. This claim does not specify a particular cutting method, although the disclosure indicates that the grooves may be established “through laser cutting or other method such as thermal forming and sawing” (paragraph 1, page 6).

Claim 4, which depends from claim 1, includes the further limitation that the fluoropolymer layers “are removed from an end portion of said implantable cable to partially expose one or more conductor wires.” Again, there is no restriction on the exact means which may be used to accomplish this step. The disclosure indicates that while

Our Docket No. 8006P28

Page 3 of 4

“any suitable method to strip the cable tip without damaging the wires may be used, laser cutting is the preferred method” (paragraph 3, page 7).

Claim 5, which depends from claim 4, includes the limitation that the end portion is removed through laser cutting. However, none of the other claims in Group 1 contains any restriction on the cutting methods employed in the process.

Claim 7 recites only that “a plurality of conductor wires (are) embedded with a fluoropolymer film”, without including limitations such as grooves, whether or not established by laser cutting or another cutting method. Further, claim 7 specifies only that the “fluoropolymer film (is) removed at a tip of (the) implantable cable.” There is no restriction on the exact cutting method used to remove the tip.

It is therefore submitted that, as the claims and disclosure clearly contemplate the use of any suitable cutting method, the implantable cable claimed in Group II is not “made by another and materially different process” besides the process claimed in Group I, and that restriction of the invention is not appropriate. The groups do not claim sufficiently distinct inventions such that a restriction requirement is warranted.

In addition, it is submitted that substitution of a different cutting method does not constitute a “materially different” process, such as to warrant restriction. The cutting methods are known in the art, and a person of ordinary skill in the art would know that such substitutions are intended to be included in the scope of the claims as presented. This is particularly true in light of the non-limiting references, in both the specification and the claims, to various methods of establishing grooves in the film and of removing the film layers from the tip of the cable.

Our Docket No. 8006P28

Page 4 of 4

37 CFR §1.143

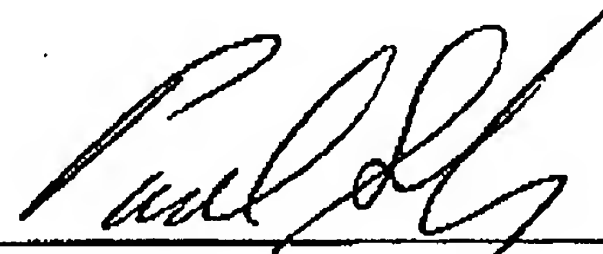
Because a provisional election of one group of claims is required under 37 CFR §1.143, the Applicant provisionally elects with traverse Group I for further prosecution in the event that the restriction request is repeated and made final.

CONCLUSION

Based on the foregoing, the Applicant requests the reconsideration and withdrawal of the requirement for restriction raised in the Office Action.

We trust this is satisfactory and look forward to further prosecution in due course.

Respectfully submitted,



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